

## REMARKS

Claim 1 Claims 3-11 are pending in the present application, Claims 9-11 having been withdrawn from consideration. Claims 1 and 5 have been amended, and claim 12 has been added, leaving Claims 1, 3-8, and 12 for consideration upon entry of the present Amendment.

No new matter has been introduced by these amendments, antecedent basis for the amendments being found at least in the Examples (e.g., Example 1) as filed.

Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

### Claim Rejections

Claims 1 and 3-8 stand rejected under 35 U.S.C. § 102(b), or in the alternative as obvious under 35 U.S.C. § 103 over DE 2015 296 to Bauer, for the same reasons as set forth in the Office Action dated October 7, 2003. The Examiner at page 3 stated therein:

While the mixture of iron and copper may not be preferred or exemplified in Bauer et al., it is still clearly and specifically taught (see the middle ¶ of page 7 of translation). Whether or not the mixture is disclosed as being preferred, the reference still anticipates the claim, and thus “unexpected properties were immaterial. . . . It is well settled that anticipatory teachings are not limited to any particular embodiment/example. (citations omitted)

With respect to the arguments presented in the previous Amendment, the Examiner maintains first that a recitation of the intended use of claimed invention must result in a structural or manipulative difference in order to give patentable weight to the claim. (Office Action dated March 24, 2004, p. 3) The Examiner further states that the Applicants have not provided evidence that the claimed molecular weights are not within the scope of Bauer, or that such molecular weights are obvious over Bauer, as the claims appear to be within the generic disclosure of the prior art. (Office Action dated marc 24, 2004, pp. 3-4)

Applicants respectfully traverse the present rejections. Bauer is directed to a process whereby the rate of reaction is controlled by the rate of addition of the peroxide oxidizing agent, which is added to the reaction over the course of the polymerization. For example, Bauer (translation) indicates at page 3, first full paragraph, that the “process is characterized by”, *inter*

*alia*, "the entire reducing agent [being] added at the beginning," but the "entire quantity of the peroxide [being] metered continuously."

The present process, in contrast, is performed so that the entire quantity of the peroxide is not metered continuously. As clearly indicated in the Examples, the entire quantity of peroxide is added to the monomer mixture at the beginning of the reaction. It may be precisely this process difference that leads to the desirably high molecular weights presently claimed.

It is therefore believed that the present claims are both novel and nonobvious over Bauer. Bauer fails to disclose addition of a mixture of copper and iron species together with non-continuous addition of the peroxide. Bauer further fails to suggest this combination, teaching instead that it is highly desirable to add the peroxide continuously over the course of the reaction. One of ordinary skill in art, upon reading Bauer, would have had no incentive to both combine copper and iron species, and add the oxidant (peroxide) non-continuously. Certainly there would have been no reasonable expectation of success that the claimed high molecular weight polymers could be obtained thereby. Applicants therefore respectfully request reconsideration of the rejections and allowance of the claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 18-1850 maintained by Assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By 

Leah M. Reimer

Reg. No. 39,341

Date: August 24, 2004  
Customer No.: 23413  
Telephone: (860) 286-2929